

Gamification for Law Firms

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Introduction

Gamification is the use of game mechanics merged with behavioral analytics in a non-game setting.¹ Gamification is used to improve production and performance in the workplace by engaging the user to behave in a way that is aligned with the goals of the business. Gamification occurs when you take a process, such as entering billable hours into the firm's software or filing out an online client intake form, and add game elements to that process to motivate the firm members to complete the tasks in a more desired way. Gamification strategies have been used in businesses with differing levels of sophistication for issues including customer relationship management, training, market research, business intelligence, and education. Professions, including the medical and health care profession, are also now turning to gamification to increase engagement in a number of workplace processes for both their members and the clients they serve.

Several years ago, gamification made its way into the workflow of companies. A report by Gartner Inc., an international IT research and advisory company, showed 70% of Global 2000 organizations would have at least one application that was gamified and predicted that by 2015 25% of workplace processes that have been redesigned with have some form of gamification

¹There are many definitions of gamification and some controversy over the term as it relates to games. This paper will not go into this debate, and will use the definition most useful in this context. For a definition of gamification, see Deterding, S. Dixon, D. Khaled, R., Nacke, L. Gamification: Toward a definition. CHI 2001 gamification workshop (2011) at http://gamification-research.org/wp-content/uploads/2011/04/CHI_2011_Gamification_Workshop.pdf and From Game Design Elements to Gamefulness: Defining Gamification, September 28-30, 2011, Tampere, Finland, MindTrek'11 at <https://www.cs.auckland.ac.nz/courses/compsci747s2c/lectures/paul/definition-deterding.pdf> The term was first coined by British games programmer, Nick Pelling in 2002. See "Nick Pelling: The Gamification Inception." at Gamification World Congress (May 9, 2014) at <http://www.gamificationworldcongress.com/2014/05/09/nick-pelling-the-gamification-inception/>. In some cases, the term gamification has become a buzzword. However, there is increasing empirical data that the results from strategic gamification methods are positive. Gabe Zichermann, CEO of Gamification Co. stated "...many enterprises have just scratched the surface of its potential. Over the next year, gamification is likely to morph from a tactical concept to a strategic imperative." Gabe Zichermann, "Gamification: From Buzzword to Strategic Imperative" Wall Street Journal, CIO Journal (May 15, 2013) at <http://deloitte.wsj.com/cio/2013/05/15/gamification-from-buzzword-to-strategic-imperative/>

designed into them.² The market for gamification is expected to grow to over \$2.8 billion by 2016.³ In the workplace, the number of employees who grew up as a generation of digital natives is increasing. These employees are used to receiving real-time feedback and online communication. They are also used to more engaging methods of communication, most of which already incorporate game mechanics.

Why is the use of gamification increasing? More of our workplace productivity has become automated. Human and technology interaction are commonplace and workers are spending more time communicating online with technology than they are meeting and working with people face to face. This creates a work environment that is less human-centered. Employees are not engaged with their work and have no psychological connection to the company.⁴ This makes it more challenging to build a company culture that fosters collaboration and human communication and interaction – factors that are often essential to innovation. Even increasing the productivity of a business becomes more challenging when the work becomes more rote and is less human centered. Gamification can help increase productivity and communication and collaboration among members of a company.⁵ Carefully designed gamification projects that tap into intrinsic motivation can align the individual interests of the employees with the business goals of the company.

Law firms are not immune to these changes in the workplace environment and face the same challenges to their growth and success as businesses. As law firms evolve, they need to foster a positive organizational culture and encourage associate individual growth and morale. Without injecting challenges into the daily operations of a law firm, it is difficult to create and maintain the right balance of work and socialization that motivates employees to continue to grow as individuals and to seek out innovation in their work for the benefit of the law firm and its clients. When corporations focus on building this form of workplace cultural, it often shows up in the form of “team building” or corporate events. Law firms often attempt the same thing with law firm charity events or law firm nights at a sporting event or annual parties. However, what really motivates the members of a workplace to feel a part of the law firm culture and to bring their best to the organization can’t be created in single events or one-time incentives. The motivation needs to be insinuated into the daily workflow of the law firm’s business. This is where gamification has been injected in the workplace of other companies for the best impact.

Law firms face similar problems as traditional companies when it comes to employee motivation and building a law firm culture that fosters innovation. The law firm organizational culture is largely built upon the reputation of the law firm with its clients and the public. Associates know which firms require x number of billable hours per week to survive on the partnership track. They also know which firms are family-friendly and provide more flexible hours and time away from the office. While these different law firm “personalities” may be a source of bragging rights for some associates, alone, they do little to ensure the growth of the law firm in the long run. This

² Gartner Says By 2015, More Than 50 Percent of Organizations That Manage Innovation Processes Will Gamify Those Processes, Gartner, Inc., April 2011 at <http://www.gartner.com/newsroom/id/1629214>

³ See article “Gartner Reveals Top Predictions for IT Organizations and Users for 2013 and Beyond” at <http://www.gartner.com/newsroom/id/2211115> (2012) quoting research firm M2 Research.

⁴ See the Gallup, Inc. report entitled “State of the American Workplace: Employee Engagement Insights for U.S. Business Leaders” highlighting Gallup’s ongoing study of the American workplace from 2010 through 2012 (2013). “30% of the U.S. workforce is engaged in their work, and the ratio of engaged to actively disengaged employees is roughly 2-to-1, meaning that the vast majority of U.S. workers (70%) are not reaching their full potential...” at page 8.

⁵ Reeves, B., and Read, J. L., Total Engagement: Using Games and Virtual Worlds to Change the Way People Work and Businesses Compete, 2009, MA: Boston; Harvard Business School Publishing.

is especially the case as larger numbers of lawyers who are in partnership and mentorship positions in their firms now move steadily toward retirement. Most law firms lack innovative thinking and tend to follow the traditional law firm hierarchy in terms of training, mentorship, and production of work. Therefore, many law firms are looking at losing not only the mentors for younger lawyers but also losing the traditions and culture of the firm. Clinging to these traditional organizational cultures and relying on annual events and one-time incentives that are pay-based may not be the best long-term strategy for the growth of a law firm, especially as the legal marketplace continues to change rapidly and competition increases to retain the top associates.

New law firm associates may not be interested in the traditional partnership track and therefore, existing pay-based work incentives do not appeal to them. Partners who have worked at the firm since they graduated from law school may not be open to learning new technology to work with clients even if there is evidence these tools will increase law firm efficiency. Similar to a company that deals with balancing shifting values in its employees and long-term growth strategies, law firms have various cultural and social issues to address in order to maintain the firm's growth projectory. Law firms may benefit from the use of gamification methods to create a coherent law firm culture and to increase cooperation, mentorship, and collaboration among law firm members.

Why should law firms care about increasing engagement through gamification? Members of a law firm are increasingly expecting to interact with the technology at work in the same way that they interact with it at home with their friends and family. When they communicate online in social applications, the user interface and user design (UI & UX) of the application facilitates the interaction and makes it more enjoyable. Law firm members expect technology systems to be well-designed if they are going to be expected to be their most productive. Second, the new wave of law firm members have grown up playing games and working with technology applications that are gamified outside of the workplace. They already know how to communicate and collaborate using these systems and are most engaged when using interfaces with game mechanics. In fact it's not only millennials who are used to gaming. The average game player is 31 years old and 48% of gamers are women.⁶ Law firms that can grow to adapt to the changing workplace method of its members will succeed at engaging and retaining them in the long-run.

In many firms, a generation gap exists between the firm's partners and its associates. Games can be used not only to motivate desired behaviors for increased productivity, but it may also be used to bridge the generational gap by incorporating friendly competition, positive peer pressure, and an added measure of accountability. Keeping new law firm associates who are digital natives engaged in the daily work of a traditional law firm is a serious challenge for law firms that have not made efforts to learn how to communicate and engage with them at their level. Gamification can be used to foster collaboration among generations in the law firm or to simply help associates of a younger generation stay engaged in the work of the firm.

Even if a law firm were not motivated to explore gamification for the benefit of increasing productivity and retention of law firm associates, the make-up of the law firm's client base is changing as well. Law firms cannot ignore the desire of consumers today to access their legal services online. Even if a law firm works primarily with corporate and business clients or in-house counsel and GC of companies, these clients are also increasingly looking at their law firms to use

⁶ See the Entertainment Software Association (ESA) 2014 Sales, Demographic, and Usage Data: Essential Facts About the Computer and Video Game Industry at http://www.theesa.com/facts/pdfs/ESA_EF_2014.pdf

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technology to make legal services more cost-effective and to find ways to unbundle legal services with alternative fee arrangements. Elements of gamification may be added to processes that would help the firm deliver legal services to different types of clients in the way that the client prefers, giving the firm a competitive edge.

This paper will look at the ways that other companies, including a handful of innovative law firms, are using gamification and how these techniques may be applied by law firms for similar purposes. The methods of gamification will differ vastly based on the make-up of the law firm and the goals that the law firm has for increasing engagement. Accordingly, this paper will provide the basics for understanding how gamification and game design could be applied to the internal processes of a law firm and provide some sample applications and a basic guide for moving forward with gamification. Some of the objectives for the use of gamification in law firms that will be considered in this paper will include:

1. Increased associate retention rates,
2. Efficient and effective training of new technologies and processes, including methods to improve associate recording of billable hours,
3. Human resources productivity, such as onboarding new associates, training new hires, collecting associate reviews, etc.,
4. Increased communication between members of the firm,
5. Encourage inter-generational mentorship,
6. Increased participation in pro bono activities,
7. Desired use of firm resources, such as training and education,
8. Encouragement for individual law firm members to innovate for the benefit of the firm.

Background on Gamification – The Science before the Art

In order to understand how gamification works, it is necessary to look at the psychology behind the process. There are several theoretical foundations used in gamification frameworks, including user-centered design, intrinsic and extrinsic motivation, self-determination theory, situational relevance, and universal design for learning among others.⁷ There are also several different perspectives of gamification research: entrepreneur and innovators looking at forms of persuasive technology, marketing companies focused on customer loyalty and retention, corporations wanting to train and incentivize employees, knowledge management professionals looking to increase collection of quality data, psychologists and neurologists interested in the effects on users, non-profit organizations creating “games for change” or meaningful play. At the time of this writing, several industries have implemented forms of gamification into their work processes. We have clear evidence and in several cases, actual scientific studies, that back the assertion that gamification is a valid business method for increasing productivity and fostering other positive behavior changes in employees. From this research, I have compiled the key points from each of these perspectives that might be useful for law firms seeking to implement

⁷ See Nicholson, S. 2012, A user-centered theoretical framework for meaningful gamification, Proceedings of Games + Learning + Society 8.0. Madison, WI. See also Gamification in theory and action: A survey, Katie Seaborn and Deborah Fels, International Journal Human-Computer Studies, 74 (2015) 14-31.

gamification techniques into their existing systems. Resources at included in the bibliography at the end for more detailed research.

Gamification is different than playing a game, even if that game is a “serious” game intended to educate the player. However, gamification design still has the elements of fun and motivation that provide the psychological benefits that lead to the desired behavior change.⁸ One of the reasons that gamification may be so successful in the workplace may have to do with the fact that many processes in companies are streamlined for efficiency and focused on final production – in the law firm, this might be the focus on the billable hour or the use of technology to complete legal work. This focus on production often removes the self-motivation aspect for the person involved in that process. Gamification adds back some of the intrinsic motivation for the individual. Accordingly, in order to design gamification for law firm, it is necessary to start with the science of motivation, to identify the intrinsic and extrinsic motivations for different law firm members related to the task that might be gamified. Then the firm can turn to which business functions it wants to gamify.

Intrinsic Motivation

Jane McGonigal, game designer and author of *Reality is Broken: Why Games Make Us Better and How They Can Change the World* identifies four essential human cravings that game designers attempt to address when they use game mechanics to build a game.⁹ When these four cravings are called up, people become more engaged and can actually have fun accomplishing work. These desires are 1) for satisfying work, 2) the hope or experience of achieving something, of success, 3) connecting socially, and 4) work that we find meaningful and that allows us to be a part of something larger than ourselves. When there is a way to address each of these cravings in the workflow of the business day, the employee has increased motivation to engage in the process and do the work on a level that encourages them to fulfill their maximum potential.

Another way of looking at motivational behavior has been identified by behavioral neuroscientist Dr. Amy Jo Kim who works with companies on gamification.¹⁰ She identifies several behaviors that may be used for intrinsic motivation. These include 1) self-expression or the desire to show off their creativity and express who they really are, 2) competition (both with others and to improve yourself through mastery), 3) exploration (this can include anything such as content, tools, people, worlds, etc. as long as they are accumulating access and knowledge to new stimulus), and 4) collaboration (which includes socialization and being a part of a team or collective). Note that there are similarities in the elements of motivation for gamification identified by Dr. Kim and the human cravings identified by McGonigal.

Clearly, there are different forms of intrinsic motivation.¹¹ For some lawyers, learning something new while completing work is intrinsic motivation for completing the work product. For

⁸ For more research on what is “fun” and why that matters in behavior change, see Nicole Lazzaro, game designer, founder and President of XEODesign, Inc. who developed the “Four Keys to Fun” which include “1. Hard Fun: Fiero – in the moment personal triumph over adversity, 2. Easy Fun: Curiosity, 3. Serious Fun: Relaxation and excitement, and 4. People Fun: Amusement at <http://www.nicolelazzaro.com/the4-keys-to-fun/>; see also *A Theory of Fun for Game Design*, Raph Koster, Paraglyph Press (2004)

⁹ McGonigal, Jane. *Reality is Broken: Why Games Make Us Better and How They Can Change the World*. Penguin Books (2011) at page 49.

¹⁰ See Dr. Amy Jo Kim, “Tapping the Trinity of Intrinsic Motivation,” (March 12, 2014) and other blog posts on motivation at <http://amyjokim.com>

¹¹ See generally, Daniel Pink. *Drive: The Surprising Truth About What Motivates Us*. Riverhead Books (2011)

some, pure rewards and reputation based motivation, such as leaderboards or badges, may not be enough. There needs to be connection to a personal goal and for some useful, meaningful benefit as a reward. How does this translate to the law firm work environment and the expectations of associates and law firm members? What kind of players are you designing for?

Player Types

Different motivations will appeal to different types of players. The game industry has identified four major player personalities. A single player may actually embody more than one of these types. Accordingly, high-budget video games are often able to incorporate the needs of all of these types into a single game. With gamification, it is necessary to understand the desires of each of these gamer personalities in order to know which game mechanics would work best to provide the forms of motivation that will work best with those players.

The Bartle Test of Gamer Psychology identifies four types of gamers: 1) achievers, 2) explorers, 3) socializers, and 4) killers.¹² Professor and game designer, Dr. Richard Bartle, one of the earliest developers of massively multiplayer online games (MMOGs), defined these types of players and their needs in 1996 when working on the design of one of the earliest MMOGs.¹³ Achievers play for the points and accomplishments. They enjoy leveling up and overcoming challenges. Explorers play to find out as much as they can about the environment they are in. They enjoy autonomy to go outside of the lines of the game and to discover new ways of interacting in the game and figuring out how it works or ways to hack it. Socializers are interested are more interested in the people they will interact with in the game than the game itself. They look for inter-personal relationships within the game and ways to communication including empathize with other players within the game. Killers are interested in controlling things and imposing their will on the other players. The more destruction they are able to cause, the happier they are in the environment. This type involves some desire for exploration because those driven to be killer types will often seek out increasingly ingenious ways of killing off others or causing massive destruction in the environment.

Again, most players will embody more than one and often elements of all of the four gamer personality types. Match these player types with the above descriptions of intrinsic motivations needed for successful gamification. This will provide a better background picture to begin looking at the basis for a gamification project.

Another Way to Look at the Elements of Gamification

There is another way to approach the necessary elements to make gamification work. While game designer Jane McGonigal believes the approach should be based on the four essential human cravings mentioned above, there are others who approach this based on the game mechanics themselves, behavioral economic theories and the user's experience to come at four elements of the gamification process. Doug Palmer, a principle at Deloitte Consulting, and colleagues came up with a different set of four essentials.¹⁴ Note that these four elements also fit in well with the

¹² See http://en.wikipedia.org/wiki/Bartle_Test

¹³ See Richard Bartle, "Hearts, Clubs, Diamonds, Spades: Players Who Suit Muds" (1996) published on his website at <http://mud.co.uk/richard/hcnds.htm>. This article provides a detailed taxonomy of gamer types and how game mechanics can be developed to appeal to each and how the different types interact with each other in a game environment.

¹⁴ See "The engagement economy: How gamification is reshaping businesses" by Doug Palmer, Steve Lunceford & Aaron J. Patton, Deloitte University Press (July 1, 2012) at <http://dupress.com/articles/the-engagement-economy-how-gamification-is-reshaping-businesses/>

four human cravings identified by McGonigal. Starting with the “progress paths” the user begins with a simple task and the complexity of the tasks and challenges increases as the user progresses. This is all staged with progress to keep the appropriate level of challenge. The second element provides the user with feedback and rewards which are provided in real-time. Included in the rewards might be empowering the user with additional levels of responsibility, leadership or challenges as they progress. The third element connects the player to the socialization component which lets them connect, share and get support from peers. The final element is the actual user experience and interface whether that is in a website or on an app or both where the user will interact with the gamified process.

Case Study: Gamification at Oracle

Interested in increasing employee engagement, Oracle created several gamification initiatives based around business principles that it wanted to encourage. The company wanted employees to use the firm’s products more fully so they designed three games, Oracle Vanquisher, Oracle Storage Master and Oracle x86 Grand Prix. To design these games, the company held a worldwide design jam hosted by the Oracle Applications User Experience Team where participants were encouraged to create gamified interfaces for the company.¹⁵ By encouraging employees to learn about gamification and to join in on brainstorming and designing methods, the company increased engagement where they wanted it while also fostering innovative thinking in their employees.

The Fun of Mastery

Once the meaning is attributed to the goal in the gamification technique, allowing for some form of mastery and growth behind that process is the next component. What makes learning fun is the acquisition of new skills or the mastery. Remember the feeling that comes with completing a puzzle or coming up with a new solution? Because the desire for mastery is self-motivated, it results in a psychological phenomenon called “flow.” This is “the satisfying, exhilarating feeling of creative accomplishment and heightened functioning.”¹⁶ Flow occurs most when something is done for fun, rather than for money, status, or obligation.¹⁷ In order for that rewarding feeling that comes with mastery, the puzzle solved or the information acquired must have been challenging enough in the first place to provide the sense of accomplishment and pride (also called *fiero*, Italian for pride and a term adopted by gamers to express the feeling of flow) in the resulting mastery. If the game mechanics used in the attempt to gamify are too simple or not connected to the learning process, such as clicking on x number of buttons or going to x number of websites or giving ratings on x number of posts, it will not be enough to motivate behavior and may in fact deter the use of the system because of the lack of a challenge to the game mechanic.

¹⁵ See “#gamifyOracle: Oracle Applications Gamification Worldwide #UX Design Jam”By Ultan O’Broin-Oracle (May 18, 2012) at https://blogs.oracle.com/userassistance/entry/gamifyoracle_oracle_applications_gamification_worldwide

¹⁶ Mihaly Csikszentmihalyi, an American Psychology Professor who wrote “Flow: The Psychology of Optimal Experience” which has been used to explain the rush that individuals obtain when playing games.

¹⁷ In order for activities to fall into the area where they achieve flow, the activities have to stay in the margin where the challenge lies just between our being bored and frustrated. This is why skill levels in games change as the player progresses. Otherwise, that thin line would push them into boredom or frustration and they would stop playing. In a traditional game like chess, the player would simply find a more challenging opponent to play. In video games and in gamification, the designer must build in the levels of increasing challenge to be in synch with the player’s skills. See also Jesse Schell, *The Art of Game Design: A Book of Lenses*, CRC Press (2008) at pages 118-123.

When the goal of the gamification system is clear, it is the addition of rules into the game that direct the user to that goal. These rules are added to create the necessary challenge that will lead to the feeling of mastery over the goal. Well-structured goals are set out so that each time the user comes back to the system, the progress is noted and the goal is presented again. Setting up the user for small feats of mastery by breaking the overall goal into multiple difficulty levels and types of mini-goals serves two purposes: 1) it moves the user further towards the complete overall goal, and 2) it provides more moments of mastery which motivate the user to continue. Think about a simple game like Candy Crush which millions of people play on their mobile phone for fun. As the user progresses in the game, the puzzles become more difficult to complete. However, if the first puzzles were too challenging and all these users were not able to complete them, without that feeling of mastery in completing the level, the game would not be played with such regularity. Many mobile games show “goals” or “missions” in the menu of the game that let the player see the flow of challenges that he or she can look forward to. This lets the user know that this next challenge exists and that completion of the existing goals will lead to this different opportunity for mastery. This keeps the user on track with the goals that are set out in the system.

The goals themselves need to not only be challenging but differ in degree of difficulty so that the user is mastering one set of skills but then still feels motivated to go towards the next goal because they see that the next one is going to challenge them again. Simply having to repeat the same level of mastery over and over will not encourage the user to continue because it will not generate the feeling of “flow” explained above. Likewise, the challenges set out in the game mechanics need to include failure. This enables the user to learn from the mistakes, but also motivates them to try again and increases the effect of flow when mastery is finally achieved. Winning the first time and every time at a goal you set out to achieve is not fun and will not work as a form of gamification. Both the quality of the challenges needs to be increased as well as the quantity. For example, if the challenge is to generate x number of billable hours in x number of weeks, just increasing the goal of x for the next level of challenge is not really a different challenge because that particular skill has already been learned – how to increase x. Adding another skill to learn to this task might be to not only generate x number of billable hours in x number of weeks but also to have completed x hours of CLE training or x hours of pro bono work or train a colleague in the use of a feature on the platform. In terms of using gamification to train law firm members on the use of a technology platform, the goals might be to use a different features of the technology each time. Rather than focusing on how many hours logged in a single task, the challenge needs to move to provide opportunities for new mastery.

Case Study: Gamification Success at Reed Smith

Reed Smith implemented a gamification system into their law firm’s existing software for matter profiling.¹⁸ The firm added a leaderboard to drive partner behavior for matter profiling, showing who has completed the most profiles. The law firm saw a dramatic increase in the activity around matter profiling as a result of enhancing the user experience of the platform to add a level of competition and accountability that increased user engagement. The leaderboard ranked “top profilers” and showed their picture and the number of matters profiled. The firm’s gamification project was launched in September of 2014. At the time, the monthly average number of matters profiled was 127.3. Usage of the newly gamified software increased by 135% in just one quarter to 299 matters per month. This system collected the same information it usually did from law firm

¹⁸ The author discussed the gamification of Reed Smith’s system via email with former Reed Smith CKO, Tom Baldwin, who helped to implement the project. (November 20, 2014).

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members but took that data and placed it in the leaderboard adding a small game mechanic that resulting in productivity gains in use of system by the firm members.

Juicy Feedback

Even though the mastery of a new skill provides the desired flow sensations, the cues that the user receives when he or she masters something need to be adequate to convey that end to the goal. Game designers will provide feedback on accomplishments that includes loud celebratory noises, slow-motion victory cut-scenes, dramatic level-up notifications, etc. This is called “juicy” feedback and it serves the purpose of letting the player experience the sense of flow and the fiero that occurs from mastery. While this might not be appropriate in some forms of gamification, the idea of providing frequent and celebratory as well as defeated acknowledgement of progress is important to keeping the user on the system. Where rewards are associated with the accomplishment of business objectives, then it is best when that feedback is as close as possible to in real time. If the reward system in the method is a leaderboard or other scoring system where members of the firm are competing, then the feedback needs to be kept current to ensure fair score keeping and more immediate reward of acknowledgment for the player.

The goal presented to the user must be clear.

The lawyer engaged in the task needs to see that the completion of the task is increasing their abilities, that they are gaining useful skills and that they are not only achieving the rewards but that those rewards are a result of their mastery of those desired skills. A leaderboard or other rankings system only works if the users actually care enough about getting recognition from the other lawyers in the firm around that accomplishment. Allowing the lawyers in the firm to brainstorm the end-goals for rewards or the collective goals of the system that is being gamified ensures that the meaning in those forms of reward acknowledgement will have value for the lawyers.

Creating a storyline around the entire gamification process might help create connection between the user’s action, the rewards and the end goal. The visuals that go with the story will make all the difference. For example, just inserting fill up the bar graphics or displaying badges without a common graphical theme or storyline are not enough to maintain the interest throughout the process. This is why video games grab our interest when they are so abstract and separate from our reality. There is a common theme that we are working towards in that game and all of the other actions and rewards are wrapped up in that and leading to that end goal.

Meaning in the Goal

In order for gamification to work for lawyers, the design might need to focus on the meaning in the process. Otherwise, the use of game mechanic alone might be too shallow to hold engagement. While it may be attention getting at first, the gamified system will not have the desired long-term effect and produce a return on the firm’s investment. What is the meaning behind the goal set by the gamification?

An example of instilling meaning into the goal set by gamification might include the service that Nike provides in its Nike+ app. This app encourages individuals to set and accomplish fitness goals and by using game mechanics that include a social networking aspect, it challenges the user to exercise and to join in with friends in setting and accomplishing goals. The meaning behind this goal is that the user desires to acquire a healthier lifestyle and improved health. Without this

underlying personal meaning behind the goals the user can set for themselves in the application, it is unlikely that it would be so popular.

In many cases for law firms the “meaning” behind the goal it might want to set for a gamified system is going to be some form of learning for the lawyer. Learning might be in the form of increasing knowledge of a specific practice area through legal research or discovery of new case law, or it might be the acquisition of creative thinking and analytic skills involved in drafting a pleading and thinking through new approaches to a legal outcome for a client. Tapping into the lawyer’s passion for a part of the legal process and making the gamification feed into the growth of that passion. This might be a personal passion or it might be a collective goal with meaning for a group of law firm members. For example, another lawyer might be passionate about volunteering on pro bono cases for the firm or collaborating with other associates in the firm to increase the firm’s overall pro bono hours. By creating a system that pools the associates work into a common output that encourages and produces this valuable pro bono work, a single associate finds meaning that is prosocial. He or she may not be able to complete a legal project for a pro bono client alone, but contributing to a system where other associates are also volunteering feeds his or her passion for the work as well as creates a sense of community and collaboration around that goal.

In other firms, depending on the firm culture, the goal might be the number of hours billed per week or the number of new clients retained by the firm, or the number of cases closed or cases won. Many of these goals will depend on the nature of the work that the firm produces. For example, a firm that handles patent filing might be able to attribute a point and reward system to the number of patents filed and successfully obtained by the associate but this type of point system would not work where the speed and efficiency of the work product, such as complex litigation, is not at the control of the associate or where it’s not in the client’s best interest to necessarily focus on speed but rather on the end result of winning the case favorably for the client. Coming up with the meaning will probably be the most difficult process for law firms considering gamification. It may also be challenging for many lawyers to think for themselves about the meaning and value they find in many of their daily processes at the firm.

Gamification to Drive Innovation in the Firm

The business principles and goals behind the use of gamification might extend to the firm’s desire to curate innovation from its members. A few forward-thinking law firms have created formal positions and even teams at their firms whose purpose it is to find ways that the firm can innovate its processes both internally and with client-facing methods. Seyfarth Shaw’s client service model, is an example of a large law firm that stepped outside of the traditional methods of delivering legal services. This law firm’s model uses Six Sigma, a business management model, applied to a law firm structure. The law firm integrates document assembly and automation into its methods to increase efficiency.¹⁹ It also has a suite of services developed to

¹⁹ See interview with Ken Grady, CEO of SeyfarthLean Consulting LLC, interviewed by Ken Adams, an early innovator in contract automation, “Law Firms and Document Assembly: Q&A with Ken Grady of SeyfarthLean Consulting LLC” at <http://www.adamsdrafting.com/q-and-a-with-ken-grady-of-seyfarthlean-consulting-llc/> (February 24, 2014).

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work with clients, including client project-management tools, an online client collaboration platform, and diagnostic tools.²⁰ The firm now also provides a consulting arm with a team that is able to work with other law firms to implement their innovative methods.²¹

Cooley LLP is another example of a law firm that has innovated using a document assembly platform to deliver services online.²² Cooley created a separate online service called CooleyGo for entrepreneurs.²³ Powered by ContractExpress, CooleyGo features a document generation tool with sample documents and tip sheets. The website provides an InfoHub that includes guidance from the early start-up stages through to marketplace leadership. One of the members of the team working behind this innovation carries the title of “Practice Innovation Manager.”

Not all law firms are willing to create new positions or devote resources towards teams that will focus on innovating for the future benefit of the law firm.²⁴ Most larger firms will create positions for knowledge management leaders, CTOs, or CIOs. Individuals in these roles may be given a small, fixed budget, no authority to make technology or firm process changes without partner approval, and are often saddled with existing technology platforms that the law firm members cling to religiously. Inspiring innovative thinking in that kind of environment is challenging if not impossible. Gamification may be one way that these individuals in the firm can find ways inspire members in the firm to conspire with them to update the firm and adopt innovation.

Looking for innovative solutions through gamification often occurs through some form of competition.²⁵ This is because the team is hunting for and identify a small number of good ideas that it could run with. Developing a gamified innovation platform would require enlisting a number of individuals in the firm to provide ideas. Enlisting them is going to require that they also feel safe in supplying their ideas to the person in charge. The author spoke with several law firm associates who claimed that they had great ideas, some had even validated these with other associates at the same level, but they were hesitant to share them with management because they did not want it to look like they were complaining or causing problems. Creating that safe environment in a gamified platform for providing innovative ideas is critical. People

²⁰ See description of Key Services and Tools on SeyfarthLean website at <http://www.seyfarth.com/key-services-tools>.

²¹ See SeyfarthLean Consulting at <http://www.seyfarth.com/seyfarthleanconsultingteam>

²² Cooley LLP at <http://www.cooley.com/index.aspx>.

²³ CooleyGo at <http://www.cooleygo.com/>.

²⁴ In general, see Clayton M. Christensen, *The Innovator's Dilemma: When New Technologies Cause Great Firms to Fail* (Boston, MA: Harvard Business School Press 1997). This book explains why disruptive technology is less common than sustaining technology and how innovation in business models tend to come from outside of a company rather than from within it. See also, Clayton M. Christensen, *The Innovator's Solution: Creating and Sustaining Successful Growth*, (Boston: MA: Harvard Business Review Press, 2013). This follow-up book explains how companies can disrupt themselves from the inside by creating internal frameworks for disruption.

²⁵ For a layout of using gamification to drive innovation, see Burke, Brian. *Gamify: How Gamification Motivates People to Do Extraordinary Things*. Bibliomotion Inc. (2014) at Chapter 5.

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who submit ideas also want to own them and feel like they had a significant contribution to bringing it forward. That acknowledgment is their reward. Give them credit by finding a way to let others vote and provide feedback on that idea to grow it into something the firm can use. Also, the firm manager in charge of this idea generation project needs to make the participants feel like their idea are being seriously considered and at the end of the day, they will expect a tangible product to come from the process. A gamified platform for driving innovation in a law firm could be as simple as creating a forum and leaderboard with a point system and in game and real-world rewards for participation that is scaled based on the amount of activity the user engages in to develop the leading innovation idea.

Case Study: Gamification at Cisco

Cisco has focused its gamification efforts on employee training through the Cisco Learning Network. A quick glance of the website for this Network displays basic game mechanics, including badges and leaderboards. The Game Arcade section of the Network provides a number of games and mobile apps that cover educational topics related to the company's products as well as games that train the employee to make skilled business decisions.²⁶ Other companies, such as Adobe Systems and Autodesk have designed similar games that focus on skills training in the use of their technology products for both the company's employees and their customers purchasing the products.²⁷

Let Them Play

One of the killers of gamification occurs when the method feels imposed on the user. We choose to play games and part of the fun is that freedom to play or not play. Fear is the biggest enemy of fun. When the brain is in a state of fear, that some consequence will occur from their action or omission, the individual is less receptive to learning and is less likely to accomplish the desired task. The design of the method needs to give the user a sense of autonomy so that the lawyer feels like he or she has the ability to play or not play with the system, to explore, to learn and obtain those skills in their own way and that there is not a quota or expectation that he or she has to meet. Looking at the importance of intrinsic motivation which is discussed above, it becomes clear why this aspect of creating a sense of autonomy is so important for this to click into place. For example, learning something new might be a meaning behind one of the goals set by the gamification. We learn best when we are curious, when we sincerely want to find out the answers. Exploring fosters curiosity which increases and enables learning. Allowing for some

²⁶ See the Cisco Learning Network Games Arcade at https://learningnetwork.cisco.com/community/learning_center/games#comment-39363

²⁷ See Adobe Systems' Level Up for PhotoShop at <http://success.adobe.com/microsites/levelup/index.html> (at the time of this writing the company may be discontinuing support for this game and repointing users to other tutorials to learn the software) and Autodesk's AutoCAD Gami-CAD at <http://autodeskresearch.com/publications/gamicad>.

freedom in the system that is gamified not only permits autonomy but it may also foster one of the motivations for meeting the goal. Allowing the user of the system to set his or her own personal goals may help increase the sense of autonomy the user feels as well as increase retention because the meaning within the goal is more personalized. Users may be more self-motivated to return to achieve personal goals than if those are rigidly imposed upon them.

If the activity is monitored by a supervisor or includes quotas that will be reflected in the associate's annual review, this removes the feeling of autonomy over the process. Accordingly, this oversight of the system will not have the desired effect of teaching the user or increasing productivity because this makes the process a burden for the user rather than a choice. This may be difficult for law firms to hear. Why build in gamification if we are unable to ensure that our lawyers are going to actually use the system and that it will provide some return on our investment? There are ways to provide the required autonomy that will encourage use of the system. The example of Zappos is probably the most well-known. The idea is to create common goals within the system. Then give the user free rein to be creative in choosing how they accomplish that goal. This will play out differently depending on what the goal is and whether that is something that needs to be more fixed. Even if the goal is for the law firm associate to complete x hours of technology training, give them the autonomy to complete that in multiple ways, such as a video that can be started and stopped and watched from anywhere, a podcast, attending a related event or CLE, attending a computer science course at a local college, working with a hands on mentor, etc. The goal will be accomplished, but the associate has the freedom to choose how it is accomplished. When the associate then has to complete a worksheet or quiz indicating that he or she understands the technology and has accomplished the goal, the system needs to provide not just a pass or fail indication but feedback that provides the associate with information that will allow him or her to improve, such as an indication of how far off they might be towards the goal completion or what areas they need more training in. Even when the feedback is positive, it needs to be more than just a congratulations. The system needs to give the user feedback that will empower them for the next goal by indicating how their choice of accomplishing the task actually played out. This is better than giving orders to associates because again, that sense of autonomy over the learning process and final mastery is key to making gamification work successfully.

Easter eggs are another common video game technique that encourages the feeling of autonomy. This occurs when the game designer throws in a surprise reward in the middle of a task without the user expecting it. Because the user didn't do anything towards the goal to achieve that reward, it makes the game feel less "programmed" and that increases the feeling of autonomy that encourages continued use.

Watching Out for Social Contexts

There are some goals that a law firm might have that may not work with gamification. For example, many lawyers who volunteer their time to provide pro bono legal services are motivated by a desire to help and to serve the public. Trying to encourage lawyers in a firm to increase volunteer hours by gamifying the process may backfire if set up incorrectly. In this example, the reward is already in place, the feeling the individual receives from assisting those who need legal services. Therefore, the creation of a different challenge around this process might encourage more lawyer to increase their hours of pro bono work or the way that they deliver those services.

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For example, creating a reward around the use of a new technology tool to work with pro bono clients, such as the use of a document automation and assembly program, might provide the motivation for the lawyer to use the system to learn the technology tool that benefits them and the law firm while also maintaining the original meaning behind the goal which was to help the pro bono client. The reward could be acknowledgement not of the pro bono service, but of the completion of the training skills.

Sidebar: Lawyers and law students have been learning the law and improving their courtroom and procedure skills using games for over ten years. Several state bars accept CLE credit in limited amounts for the use of these educational legal videogames. For example, see the Objection games at <http://www.objection.com/company.html>. Stanford Law School Alum and Former Fellow at the Stanford d.School, Margaret Hagan, created LawDojo which hosts games designed to help law students learn the law. See <http://www.lawschooldojo.com/>

Case Study: Paper-Based Games at Fenwick & West, Palo Alto, CA

Human Resources Director Cheri Vaillancour at Fenwick & West shared some of her department's experiments in paper-based gamification to address several issues and reported success with these methods.²⁸ One example was created to encourage partners to turn in associate reviews on time. Lawyers who turned in their reviews by a fixed deadline received a gold star on their door. As other lawyers responsible for their sections saw the appearance of the stars, the completion of the reviews became competitive. Not have a gold star on the door indicated that you had not completed and returned the reviews. Simple peer pressure and accountability from a public rewards of a gold star on a door accomplished the firm's goals of getting in reviews on time. Another gamification method involved reworking the answers to a game of Jeopardy where the answers involved facts about the law firm. The goal was to provide a crash course on the firm's culture and an introduction to the firm's history during a training of new associates and hires. This paper based method served its purpose in onboarding as well as engaging a group of new people in socializing with each other.

Case Study: Gamification of Summer Associates at Cadwalader

International law firm, Cadwalader, Wickersham & Taft LLP, added several simple games to their website advertising summer associate programs at the firm.²⁹ The games are all intended to teach the history and culture of the firm to prospective associates in a fun manner. One game involves the classic matching of images. When matches are met, a paragraph with the background on those images appears. Another game is a version of jeopardy with the answers related to the law firm. A rebus game tests the creativity of the player by showing images that them are related to a word that has something to do with the work of the law firm.

²⁸ The author interviewed Cheri Vaillancour, HR Director at Fenwick & West on November 25, 2014.

²⁹ See the Cadwalader website at http://www.cadwalader.com/makehistory/makehistory.php?page_id=5

Sidebar: Sample Innovation Game – FutureLawFirm2030

This game is adapted from a game designed by MJV for two hundred CEOs of influential Brazilian companies during a Brazil Summit in 2011 sponsored by The Economist.³⁰ The goal there was to get a group of individuals who are typically difficult to engage, to actively learn and think about the country's economic future, but also to gather valuable data from the participants through their participation which could be used later to inform the group about perspectives and priorities of the players.

The goal of the game is to engage the partners and associates of the firm in thinking about growth and development of the law firm. What obstacles might prevent the firm from growing to its greatest potential over the next decade or two? How might these obstacles be overcome?

Players receive a kit at the beginning that contains four cards depicting macroeconomic scenarios that would affect the growth of the law firm. Each kit also has a blank card so that the player could replace that with one card that represents a specific scenario that interests them or that the player believes might be most likely to occur before the year 2030. Each kit is worth the same amount of points so that each time starts out with the same amount regardless of the cards it has in the kit. They then choose their favorite scenario from the cards. The players don't know the value of each individual card. Fictional news reports are delivered throughout the game that might affect the probability of one or the other scenarios not happening. It is possible throughout the game to obtain other cards to acquire more points by exchanging cards with other players. Another way to earn points is to complete a chart where the player guesses specific aspects of the economy and legal marketplace that would affect the law firm. For each group of three opinions placed on the chart, the player received three cards with random point values corresponding with their favorite scenario. Players also interact with NPCs (other staff members of the firm) who introduce new cards with new scores and points making exchanges between players more dynamic. The NPCs are responsible for collecting the players' impressions about the scenarios as they select, noting appreciation or disdain of certain scenarios which impacts the choice of cards by other players. At the end of the game, all players count the points. Scenarios that were selected by the majority has their card holder's score increased by 25%. After the game, players are shown the data collected in the process and how the opinions of scenarios evolved as the game fluctuated.

The game works to engage because the players think about scenarios and become curious about the implications. They then also have to place a practice value on that scenario and how it applies to them professionally and to the firm as a whole.

Case Study: Encouraging Firm Members to Adopt Sustainability Practices at Work

There are clear economic and social reasons that a business would want to encourage its employees to use better sustainability practices. However, education and training employees about sustainability and then expecting them to adopt suggested practices is not that effective because the methods of delivery are often dry and boring for the already busy employee. Lunch-time lectures, online video tutorials, and email updates are not effective methods. The firm would like for associates to learn some basic environmental science concepts in order to understand

³⁰ See Gamification, Inc.: Recreating Companies through Games, Ysmar Vianna, Mauricio Vianna, Bruno Medina, and Samara Tanaka, MJV Press 2014, pages 74-76. See also Macroplan Perspective Strategy and Management, the consulting company that worked with MJV to design the economic scenarios for this game at www.macroplan.com.br

why sustainability practices are important to the firm. Behavior science can be incorporated into a game design that would include creating new social norms among colleagues. Positive feedback from colleagues along with personal motivation to improve skills related to the issue provide a solid basis for engagement that leads to behavior change.

One example of behavior science integrating into a gamification model is the Practically Green platform created by a company called Wespire.³¹ This platform was designed for companies to help their employees adopt new sustainability practices in the workplace. The platform makes the actions of the employees visible to their colleagues whereas oftentimes sustainability practices go unnoticed during the work day. This type of positive feedback from others who notice the use of the practices motivates others to adopt similar practices as a new “normal” behavior of firm members is established. Employees are able to enter their current level of sustainability practice into the platform initially and then work at their own pace to track the improvement of their practices. Based on Stanford Behavior Psychologist B.J. Fogg’s Behavior Grid, employees can track one time behavior, such as purchasing a re-usable coffee mug, behaviors with some duration, such as taking transit or biking to work rather than driving a car, and behaviors that have longer term changes, such as investing in solar panels.³² The employees stay engaged in the acts of sustainability and continue to change behaviors because of the platform’s ability to render feedback in the form of likes, comments, sharing, notifications and other social game mechanics that invite the employee back. Is that social acknowledgement and individual skill building enough to engage and foster behavior change? Only if there is some incentive built into the elements of fun. The combination of the behavior science with the game mechanics makes the difference in building a successful gamification strategy. With the Wespire platform, the companies noted that the social stigma or questioning of political values associated with some sustainability practices disappeared as the employees began using the game with each other.³³ While some employees were motivated for intrinsic reasons that included protecting the environment or saving money themselves, others were motivated simply by the challenges in the game mechanics. With both forms of motivation, the company accomplished its goal of increasing sustainability practices.

Beyond Leaderboards, Scores, and Badges

Typical gamification process involves rewarding the user with points as a way to encourage them to complete a specific behavior. The more the user does the desired behavior, the more points that person achieves. The points serve as a form of feedback on the behavior as well as a reward. Then badges are assigned to the completion of different levels of points. These badges serve as goals for the user to achieve. A leaderboard then showcases the user’s progress against other users creating a form of competition in the completion of the work. A basic example of this process might be Foursquare.³⁴ This application rewards the user with points for checking into locations on the application and the more points for check-ins that are acquired are rewarded with badges and the users are ranked with other visitors checking into those sites. However, while

³¹ See Wespire at <http://www.wespire.com/>

³² How Gamification and Behavior Science can Drive Social Change One Employee at a Time, by Susan Hunt Stevens, A. Marcus (Ed.): DUXU/HCCII 2013, Part II, LNCS 8013, pp 597-601, 2013. See generally Persuasive Technology: Using Computers to Change What We Think and Do, B.J. Fogg, Morgan Kaufmann Publishers 2003.

³³ How Gamification and Behavior Science can Drive Social Change One Employee at a Time, by Susan Hunt Stevens, A. Marcus (Ed.): DUXU/HCCII 2013, Part II, LNCS 8013, pp 597-601, 2013.

³⁴ See Foursquare at <https://foursquare.com/>. Foursquare was one of the first companies to experiment with online gamification when it launched in 2009.

the number of Foursquare profiles has increased over the past years, the number of check-ins has actually decreased. Why? There is not enough re-engagement and core loop built into the application. This form of gamification triggers initial involvement, but won't sustain increased engagement because of the lack of motivation through new challenges and feedback loops.

Why is a feedback loop more important than separate game elements like leaderboards, scores and point systems? A system with multiple feedback loops will include the core loop centered on the primary goal of the system. It will also include mini-loops and nested loops within other goals that provide opportunity for feedback on different levels of mastery. This core loop is what entices the user to continue to use the system because the feedback continues to move them forward into the next challenge and goals.³⁵ Most of the popular free to play (F2P) games make use of this concept in order to increase retention. Individuals might participate in a challenge for the purpose of moving up on a leaderboard or acquiring high scores and badges, but this won't motivate them for long.

There are several companies that provide easy-to-implement gamification solutions.³⁶ However, turn-key solutions probably won't work for law firms. Several companies have sprung up in the past few years offering turn-key solutions to apply gamification to the workplace environment. Some of them include features that could be added to existing systems. However, the focus for gamification needs to be on the process itself as explained above with setting goals, creating mastery and ensuring autonomy. This will involve user-centric design and not simply application of general gimmicks to existing processes. Knowing that the personality and background of the user matters in the form of game mechanics that are more effective, it stands to reason that the use of solutions designed for average employees at companies may not work the same way when used by lawyers given the propensity of most lawyers to be Type-A personalities and to have different motivations.

Case Study: Cigna Health Matters

In 2014, Cigna, a global health service company, launched a game called Cigna Health Matters.³⁷ The company made the platform available to consumers as a way to increase engagement with them when they enrolled in a health care benefits plan. The platform starts with a gamified health assessment. The company noted that the completion of the assessment with the gamification is 90% completion versus the industrywide standard of completion which is 30%.³⁸ Obtaining the data from its customers allows the company to provide more tailored insights and tools related to the customer's needs. Given the success of the gamified platform, Cigna added an apps and activities feature to its website that provides links to health improvement apps and incentive programs where customers can track progress through all the apps in one place and earn rewards for certain activities.

Consider a law firm that provides corporate law services or works with clients in any industry that requires that the clients maintain compliance with federal and state based regulatory requirements. Imagine a gamification platform that assists the firm's clients in obtaining and

³⁵ http://www.gamasutra.com/blogs/MichaikKatkoff/20131024/203142/MidCore_Success_Part_1_Core_Loops.php#comments

³⁶ See for example, Bunchball,

³⁷ See "Cigna Introduces Cigna Health Matters – a Comprehensive System to Improve and Sustain Your Health" by Joe Mondy (13 October 2014) at <http://newsroom.cigna.com/NewsReleases/Cigna-Introduces-Cigna-Health-Matters---a-Comprehensive-System-to-Improve-and-Sustain-Your-Health.htm>

³⁸ See Employee Benefit News page 36 (November 2014) at http://digital.benefitnews.com/benefitnews/november_2014?pg=36#pg36

maintaining regular compliance. The data could be monitored by the law firm and advice and preemptory guidance could be given based on the collection of that data. Game mechanics in the platform encourage the clients to provide the information on a regular basis and keep them engaged in communicating with the law firm. The service itself could be a competitive advantage for the firm to provide free to clients or it could be an annual subscription service bundled with the firm's legal services associated with helping the firm stay up on the changes in laws and regulations and stay in compliance.

Case Study: Deloitte's Leadership Training Academy

Deloitte's Leadership Academy is a training program established in 2008 and revamped in 2012 that uses gamification to engage senior executives in leadership training. The results have been positive for the company with users increasingly using the program and in a manner that shows some addictive qualities of the game mechanics.³⁹ There has been a 37 percent increase in the number of participants using the training resource each week since gamification was added.⁴⁰ Additional results provided by the gamification company, Badgeville, that Deloitte retained to rework its Academy include: 50% faster course completion, 47% daily higher return rates, and 36% greater weekly retention.⁴¹

The Leadership Academy uses leaderboards driven by accomplishing missions and learning badges as users watch educational video sessions, take comprehensive courses and take quizzes that test their skills at retaining the training material. While some of the components of the Academy are for self-assessing, there are other areas where users may interact with others by asking questions and socializing in ways that include sharing in the form of news feeds and updates with fellow users. Users of the Leadership Academy are encouraged at the beginning to personalize their experience by creating their own profile and connecting it to their LinkedIn profile and their connections on that social networking site. New users start out with a mission to earn a badge by taking initial lessons in creating their profile and getting set up to take on other missions in the Leadership Academy. Some of the badges that can be earned are secret and are unlocked when the user take a certain action. This unknown factor adds another level of engagement to the completion of missions. The leaderboard is not cumulative of all users and instead has levels so that the users can compete and compare themselves to users who are at relatively the same level or entry point with them. This provides for new entry-level users to not become easily discouraged by being pitted up against users who have been using the Leadership Academy for several weeks and it also allows for users to take vacations and sick leave without falling behind on the board.

When Gamification Backfires

³⁹ See "Deloitte Leadership Academy launches new leadership content with gamification mechanics", press release from Deloitte Digital (August 30, 2012) at <http://www.deloittedigital.com/au/news/deloitte-leadership-academy-launches-new-leadership-content>

⁴⁰ "How Deloitte Made Learning a Game," Harvard Business Review, by Jeanne C. Meister, January 2, 2013 at <https://hbr.org/2013/01/how-deloitte-made-learning-a-g>

⁴¹ Gamification for Executive Training, Badgeville website at <http://badgeville.com/customer/case-study/deloitte>

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There are examples of companies who have attempted to implement gamification with employees and have seen it backfire. Gamification should not be used to simply highlight the top performers in the law firm. In these instances, the system created a hostile work environment because the gamification techniques pitted the company employees against each other. While the intent was to foster a sense of healthy competition to increase productivity, the resulting effect was to cause panic among the employees as they focused on their ranking on a leaderboard and feared layoff based on who ended up at the bottom of the list. The system felt like a form of hyper monitoring of the employee's productivity and as a result the workplace environment became uncomfortable and competitive rather than team-building and collaborative around the company's goal of increased productivity. In other instances, the practice of rewarding badges for daily activity can sometimes feel demeaning to the employee who would rather take pride in doing their work and focusing on the quality of the end product, rather than on receiving a digital badge. This design lacks consideration of intrinsic motivation. Even simply awarding badges, certificates or posting accomplishments on a leaderboard is not enough in terms of motivating longer term behavioral change. Whether the firm is intending the gamification to change social behavior or to increase productivity, neither of these applications of gamification will accomplish that goal in the long-term.

Case Study: Curating Innovation from Employees

In 2012, the United Kingdom Department for Work and Pensions (DWP) launched a browser-based game called Idea Street and encouraged its employees to play.⁴² DWP calls it a "platform for ideas management." The game provides employees with the sense that their voices are being heard and provides a safe place for them to give valuable feedback to the department. When employees generate new ideas, they are rewarded with virtual currency that may be used in the game. The platform also uses a leaderboard system. Ideas are submitted to the platform where others vote, comment and collaborate to build up these ideas. All employees in the department, regardless of status and position, are encouraged to play which makes the teams developing the ideas more diverse. DWP's team building the Idea Street teamed up with the department's Lean Development Center which was looking at ways to improve and standardize business processes across the department. They found that Idea Street was an effective way to share their efforts toward lean strategy across the organization by adding ideas and getting feedback and buy-in from employees.⁴³ DWP's deputy director of innovation, David Cotterill stated that the firm expected to save around \$30 million in 2014 as a result of suggestions that employees had made while using the game.⁴⁴

Testing

⁴² See Idea Street at <http://www.sparkcentral.co.uk/showcase/show/idea-street>

⁴³ See "Britain's Largest Public Agency Links Innovation with Lean Practices and Saves \$Millions", by Anne Lawrenson, Management Innovation Exchange, (January 7, 2013) at <http://www.managementexchange.com/story/britain%E2%80%99s-largest-public-agency-links-innovation-lean-practices-and-saves-millions>

⁴⁴ See "Using Games to Get Employees Thinking" by Kenrick Vezina, MIT Technology Review (August 17, 2011) at <http://www.technologyreview.com/news/425044/using-games-to-get-employees-thinking/>

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Most likely the lawyers at the firm who would be attempting to add gamification to an existing system or any programmer hired by the firm to accomplish this task is going to have a preference for games to begin with. This lawyer or team of individuals implementing a gamification system within the law firm may approach it from a different perspective than the associate or partner in the law firm who may not have a propensity towards games. Therefore, it is critical that any ideas that the law firm comes up with are tested on the average law firm user of the system for early and frequent feedback. What may be enjoyed by one geek lawyer in the firm might be completely uncomfortable to the majority of the lawyers that the firm wants to use the system.

Additionally, the system should be purposefully hacked. User should be asked to use the system in a way that does not follow the provided instructions or rules for the gamification. By doing this, the designer will be able to get a clear picture of how users may at some point “game” the system and discover all of the round-about ways that the users might use the system to accomplish the set goals without actually doing the work or the processes behind them to learn the skills. This behavior is common among players and happens with the development of any system. Knowing about these methods ahead of time will allow the designer to circumvent those behaviors and/or build them into the rules or game mechanics for that goal. After that, the designer should prototype frequently early on in the development of the game and generate iterations that taking into consideration the way the users are playing the game. Early and frequent iteration will result in a more successful gamification method.

Technical Limitations

Game design may also be limited to the platform or system that the law firm wants to gamify. There may be technical limitations based on the lack of data that the firm collects for each member as opposed to data collected for the firm as a whole. This will make a difference in determining what resources will need to be used or built from scratch for the development of a gamification project in the firm.⁴⁵

For example, imagine that the law firm wants to create a game strategy where points are awarded based on the number of pro bono hours that an associates logs. If the collection of this data does not already exist in the law firm’s technology solution, then the firm will be looking at building a more complex tool that will capture real-time data and report it into a point system and leaderboard. The data the firm is collecting must also be collecting it for the individual user and not for the firm as a whole if this game is intending to make that collection of data the basis for how it awards points to individual users. If the strategy will be based on team efforts and collaborative work, then the collection of that data must be aggregated. The game may be designed on transactional systems so that the users get real-time feedback on where they stand in relation to other users.⁴⁶ As discussed above, this form of feedback is necessary for the game to seem “fair” to the players.

Sidenote: In 2013, Google hired Noah Falstein, a long-time developer in the game industry, to serve as Google’s Chief Game Designer where he works with “Google’s developer platforms, ecosystems, products, and APIs to the developer community, focusing on games and game

⁴⁵ See Zichermann, G., and Cunningham, C. *Gamification by design: Implementing game mechanics in web and mobile apps*. Sebastopol, CA: O’Reilly Media, Inc. (2011).

⁴⁶ See Lowood, H. Real-time Performance: Machinima and games studies. *International Digital Media and Arts Journal*, 2(1), pages 10-17 (2005).

developers of all kinds...and contribute[s] to game design for various internal Google teams.”⁴⁷ Falstein’s experience working on “serious” games prior to joining Google, has some people in the games industry speculating about Google’s venture into serious games.⁴⁸

Balancing the Forms of Fun

Creating a feeling of autonomy with a gamified system is important because it enhances the user’s ability to play and have fun.⁴⁹ To do this, the design team has to create a way to provide multiple game mechanics in a system that allow for the user at any time to choose how he or she acts within that system. Choice provides the player with a sense of autonomy and also minimizes the feeling that the use of the gamified system is something that is being imposed upon them by an employer. In other words, the game needs to balance the different forms of fun so that it contains the game mechanics necessary to accomplish the business goals of the gamification while also providing some choice of fun to the user.

In video games, it might be easier to create autonomy and insert multiple methods of fun for the player because the storyline may be written completely for the purpose of having fun. In a business setting and with gamification, the business goals and principles at the focus of the gamification make it more challenging to create a full storyline and full autonomy for the player. Nicole Lazzaro, Game Designer and President of XEO Designs, Inc. has identified what she calls the four key to fun: 1. Hard fun, 2. Easy fun, 3. Serious fun, and 4. People fun.⁵⁰ Lazzaro’s research and experience focus on finding ways to create the emotions involved in fun without having to build an entire storyline as one would have to in a video game. Lazzaro’s company created 12 models of player experience from empirical studies they conducted on different groups of gamers. They specifically looked at how games create emotion without using storylines by looking at 1. what the players enjoyed most about playing, 2) what created unique emotion without a story, 3. what was already popular in video games that created emotion and 4, what was supported by psychology and other research.

From this research they discovered that there are multiple methods of playing and that the same emotions and behavior changes that are involved in playing can be experienced by having at least three out of the four methods of fun and allowing the player to switch between them at any time. Hard fun occurs when the player faces a challenge. Here the focus on the challenge and the reward create the emotions of frustration and personal triumph (*fiero*). The player has a choice of strategies and skills they must develop in order to reach success. Easy fun is purely for the enjoyment of the act of playing. It’s more about holding the player’s attention than winning anything. Lazzaros identifies the emotions of “wonder, awe, and mystery” with this method of fun. Curiosity and exploration of new worlds would be included here.

Serious fun involves a players desire to play based on how the play makes them feel afterwards, such as a sense of well-being. These are emotions created inside the player after playing which could be excitement, relief, avoiding boredom, or clearing their heads. In this case,

⁴⁷ See Falstein’s LinkedIn profile at <https://www.linkedin.com/in/gamesdesignexpert>; see also “Is Google Getting Serious About Gaming? Noah Falstein Hired As Chief Game Designer” Techcrunch, by Steve O’Hear (May 2, 2013) at <http://techcrunch.com/2013/05/02/noah-falstein/>

⁴⁸ See the list of Noah Falstein’s serious games work, including designing an employee-based game for Cisco, at <http://www.theinspiracy.com/serious-games.html>.

⁴⁹ To find out what “fun” is, read A Theory of Fun for Game Design by Raph Koster, O’Reilly Media, 2nd Edition (2013).

⁵⁰ Why We Play Games: Four Keys to More Emotion Without Story, Abstract March 8, 2004, By Nicole Lazzaro, President, XEO Designs, Inc. at http://www.xeodesign.com/whyweplaygames/xeodesign_whyweplaygames.pdf

the player uses the game to go from one mental state to another. People fun involves emotions derived from gaming with others and being part of a large community of players. This involves both team work and collaboration and rivalries and competition. Lazzaro's study concludes that "people play games to change or structure their internal experiences."⁵¹ She posits that the game designer should try to incorporate three of these four keys in game play and give the players the freedom to move between the states of play as they desire based on their internal needs. In this way, the designers can create the same emotional experiences of fun within the player without having to develop a full storyline as is found in most successful video games. This is useful for the design team focused on gamification of an existing system where creating a storyline from scratch around that platform would be a significant hurdle.

Case Studies: SAP's Community Missions

SAP Research developed the SAP Community Network which is a gamified community where the employees of the company can select missions, earn badges, and socialize with others.⁵² The badges are designed so that the first "missions" to earn the badges are relatively simple and get the member initially engaged with too much effort. For example, the first badge is simply for registering as a member and filing out a profile. The missions progress with complexity and the user is also given more choice about which mission to take on. Each member has a score based on the missions accomplished as well as the awarded badge for completion. Members are invite to provide feedback on the gamification tools and share with other members their progress through leaderboards. Badges and a point system are displayed on the employee's profile on the main SAP dashboard for everyone in the company to see. The company refers to the employee's use of the gamification system as "reputation" building. One example of an app within the community is the TwoGo app.⁵³ This matches up employees who are traveling in the same direction at a certain time and allows them to get points for carpooling with each other. This serves a dual purpose of helping the company encourage socialization among members but also allows the company to follow with its business' environmental goals. Employees are also rewarded with points for timely and accurate reporting of travel expenses and other employee accounting. SAP is able to use the data from the gamification not only to increase employee engagement in the desired activities in the company, but it also is gathering valuable workplace data on the use of its systems internally.

Outcomes and Reporting

Find a way to get quantitative data around the use of the gamified system. This will inform you how the users are interacting with the system, but also whether certain goals are being met or need to be adjusted because the challenges to accomplish them are too difficult or too easy. Is the challenge encouraging the right behavior?

Case Study: Getting Buy-In from Firm Members

NTT Data Inc., a Texas-based technology company with 18,000 employees in North America, implemented a gamification strategy in 2011 called "Ignite Leadership" to encourage employees

⁵¹ Id. at page 7.

⁵² See the SAP Community Network and missions at http://scn.sap.com/docs/DOC-44794?url_id=text-glo-scnhp-featuredmission-aboutscnmission

⁵³ See TwoGo at <https://www.twogo.com/>

to find creative ways to solve customer problems efficiently.⁵⁴ The end goal of the project was to increase the company's employee productivity and to identify leadership in the existing employee pool. However, when the project was launched, only around 400 of the firm's 7,000 employees at the time were using it. There was a lack of motivation. The firm's CTO, Imran Sayeed, decided to add a point system to the platform that gave "karma points" to employees who performed some desired activity on the platform. At the end of each month, the employee who had accumulated the most points would receive a prize, such as a new mobile device. The company's goal of increasing customer response time was not enough motivation on its own to encourage the employees to use the gamification system without some additional form of motivation. In this case, the added competition with other employees and a prize increased the use of the platform to 4,000 employees in five months. The company's initiative has shown significant results in improved training of employees and at identifying leadership in the company.⁵⁵

Starting the Development Process

The above sections explained the basic science of gamification and detailed the various methods that may be used to maximize the benefits of the psychology behind the use of game mechanics. The following section will specifically lay out a process for a law firm to implement gamification to address one or more issues in the firm. The law firm should develop a team of two or three individuals who will be the primary developers of the gamification strategy. These individuals should be members of the firm that are skilled at listening and whom others will easily work with and open up to when talking one on one. They will also need to have the leadership skills to coordinate and get cooperation from a number of different individuals in the firm from partners to entry level associates and paralegals. If the law firm knows ahead of time that the implementation of a gamification method will most likely include the law firm's technology or knowledge management systems, then recruiting a member from this department with some technical knowledge may be helpful in both understanding the initial issues and behavior to change, analyzing feasible implementation methods in the firm's technology and resources, and in setting up the final game mechanics within any existing system.

Many aspects of accomplishing these steps towards a gamification strategy include the use of design thinking and methodology.⁵⁶

What Issues Does the Firm Want to Address?

To help identify the issue or issues that the law firm would like to address, it's important to first understand the goals of the law firm both in financial and reputational terms. Are the firm's

⁵⁴ See "Giving Gamification Go", ComputerWorld January 13, 2014, at page 14 at <http://www.computerworld-digital.com/computerworld/20140113?pg=17#pg17>

⁵⁵ See "Gamification In Leadership Development: How Companies Use Gaming To Build Their Leader Pipeline " Forbes by Jeanne Meister (September 30, 2013) at <http://www.forbes.com/sites/jeannemeister/2013/09/30/gamification-in-leadership-development-how-companies-use-gaming-to-build-their-leader-pipeline/>

⁵⁶ Included at the end of this section is an actual plan for a design workshop on gamification for a law firm created by Stanford d.school graduate and Stanford Law School alum, Umbreen Bhatti. The author will be conducting a gamification design workshop with Umbreen Bhatti and Ron Dolin at Cooley LLP in the summer of 2015 to look at gamification of the law firm's summer associate program.

goals in line with the issue that the firm has chosen to address? Without the support of the business goals of the firm behind any gamification plan it will be difficult to get support for both funding to develop and the maintenance of any gamification method put into place.

It is also important to know what kind of law firm culture existing, including traditions, social behaviors of the members of the firm, whether the firm tends to be more conservative or innovative, and the basic demographics of the law firm that might create more than one law firm identity within the larger firm culture. Can members of the firm be flexible or are they more set in their ways and resistant to change? Does the firm have more of a culture of cooperation or competitiveness among the firm members? Whose behavior is involved in the potential issues that the firm wants to address and how might that behavior needs to be changed?

Understanding both the law firm culture and its business goals is a good starting point for the team to then go to the members of the firm and learning their daily routine. This is where the team that is developing the gamification plan needs to take on the role of an ethnographer. Conduct interviews of the firm members whose behavior might need to be changed. An informal interview may work better with certain law firm members who otherwise might feel pressured under the circumstances or who may not answer fully depending on their place in the law firm hierarchy. Questionnaires or surveys might also be a way of gathering this data in general, but it will not be as effective at identifying more specifically the issues to be addressed. Finding a neutral party within the law firm to handle this interview process might be a better method of gathering accurate data about the firm member's daily routine and their thoughts around the issues the firm wants to examine.

Some tips for interviewing law firm members to tease out the issues include 1) asking questions that start with "how" or "why" and avoiding "yes" or "no" questions. Asking "why" helps you understand the motivation the member has in taking that task, 2) focusing on listening and not interrupting or interjecting responses, and 3) ask for stories that are related to the law firm and the potential issues.⁵⁷ The results from these interviews should be well documented for the gamification team.

In addition to the interview process, the team may conduct nonintrusive observations of law firm members. Many law firm members would resent having their daily actions observed even for the purposes of identifying processes or efficiencies within the law firm. Employers at companies may always install software that records the websites and online habits of employees. However, for many law firm associates and partners, this form of employer spyware is not welcome and in this case might not yield the most useful data for understanding the workflow of the firm members. Instead, some of this data might already be gathered in the law firm's technology as the firm members interact with it. For example, the firm might have a record of how often law firm associates are submitting their time sheets. The firm's technology might record how often and to what extent the firm members are using features of the software. For example, if the HR Director of the law firm has a number of video tutorials and learning materials for the firm associates and new hires to use, how often are they making use of these materials and are they retaining the information in them sufficiently to pass a test or some other form of accountability for having completed them? Another way to gather the

⁵⁷ Game designer Jesse Schell in his book *The Art of Game Design: A Book of Lenses*, CRC Press (2008) pages 4-5, notes that listening is the most important skill of game design in the beginning of the process. He lays out five kinds of listening that take place throughout the entire game creation process including listening to the design team, the players, the game, the client you are building the game for, and yourself as a designer.

data to understand the process that a firm member goes through in a day, would be to have the firm member keep a daily journal that essentially tells the story of their day. Ask them to write down their habits and routines. This is potential behavior that the team may design to modify through gamification. Even if the individual does not label this as a routine or habit, asking the firm member to keep a journal on multiple days may help to identify an action as a routine and gathering similar routines showing up in the journals of multiple firm members provides telling data for the gamification team to analyze.

Add to this diary recording process the actual physical path that this individual takes in the firm on a single day. For example, when the associate sits down in the break room, what are they sitting on, what do they see on the wall, what are they doing in this space, who and what do they interact with in that environment? When the associate sits at his or her desk, what is the main screen on the computer where they spend the bulk of their time? Is it in Word drafting? Is it on the firm's matter management system or on the firm's legal research tool? Are they spending the bulk of their time on the phone speaking with individuals or in conference calls? How often does another individual interrupt the environment of that law firm member and how does that occur? Break this daily path down from their physical interaction with items and spaces in the firm, what their reaction to is that item or environment and what the pinch points might be in their interaction with that item. What does the firm member need in that interaction and how do they feel about their interaction and what they want to accomplish? What do they see and hear and then what do they say and how do they act? The team must have a clear, empathetic understanding of the individuals in the firm in order to tease out the issues that may exist that the members of the firm themselves would not have otherwise been able to notice without that level of empathy and understanding for individual members.

Gathering this data will give the team a full picture of any issues that the law firm may wish to address through gamification methods. The next step in this process of defining the issues includes identifying all of the individuals, the stakeholders, in the law firm that are involved in the issue(s) to be addressed. Start with one law firm member or department and then add the other members whose interactions affect that initial group. These are the individuals who will be asked to buy into any gamification strategy. Mapping this out in a mind map of interested parties can often be useful for seeing the larger picture of how individual firm member's actions on a daily and weekly basis may interact with each other. Working from the starting point of a single individual in the firm, map out how these other parties group themselves together and how they interact within those groups. Do they collaborate or are there often disagreements in the dynamic? Who do they answer to and what are the relationships among all the parties in the group?

After conducting this research, the gamification team can narrow down to identify the issue(s) the firm wants to address.

1. What is the gamification goal and issue that needs to be worked through that is aligned with the law firm's business goals that the firm wants to address? Examples might include: associates failing to record accurate billable hours in the firm's billing software, a lack of collaboration and communication between partners and younger associates, associates spending an excess of time using a specific software program or failing to use the firm's desired data entry methods, or fewer recorded pro bono hours than the firm's desired output.

2. What is the specific behavior that is involved and who are the individuals taking this behavior? This also begs the question of who would be impacted by the behavior as it is done now and with the desired behavior. How can each person who is engaged in the behavior or would be affected by it benefit from this change in behavior? Ask again if the behavior involved is in line with the firm's business goals and would it still be and how so if changed?
3. What environment will this behavior change occur? Examples might include within a practice management or other technology solution the firm uses, physically within a room or space in the law firm, online or offline, in-person or remotely, between law firm members of which groups and relationships. Are there any rules or limitations in the environments that would impact the desired behavior change?
4. Given the above three steps to narrow down the issue(s), what is the appropriate platform for any gamification method? For example, would it work best as a mobile application, imbedded within the law firm's technology solution, as a paper-based or board game, or a physical game that takes place in different environments in the firm?

1. Understanding the Players in the Firm

The interview process and data gathering described in the first part of the process will help the team to understand the individuals in the firm in terms of their daily activities and interactions. However, in order for a gamification method to work, the team has to design the game for the players as individuals, not necessarily as employees of the law firm. What does that mean? It means understanding what might motivate the players to modify their behavior and engage in the game. It's not going to be possible to design a game that is ideal for each individual user because of how many different player types there might be within a single law firm. However, the team can gather together the basic demographics of the players, including gender, age, professional experience, education levels. Based on the user types discussed in early sections of this article, identify potential players as Killers, Achievers, Socializer, or Explorers. How many of one do you have more than the other? Are these players more individual or team oriented? What generation do they come from and how does that generation typically interact in firm settings? Did they grow up using the Internet and socializing online or are they uncomfortable with online sharing and untrustworthy of cloud-based interactions? What types of behaviors do these player typically exhibit in a social setting and in the professional setting? Gathering this information, the team can step back to identify the characteristics of the majority of the law firm members who would be playing the game. This allows the team to move forward to design a gamification strategy that will be most in sync with the individuals it most wants to engage.

2. Establishing a Gamification Strategy Focusing on the Principle Design Goals of the Project

The team has now identified the issues to be addressed and understands the players that will be involved. Going back to reaffirm the primary goal of the gamification project is important before beginning the build the strategy. What is the principle goal that the law firm has for this project not just in terms of a final deliverable, such as increased productivity and revenue, but in terms of how the gamification will impact the law firm members. For example, does the firm

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want to modify associate behavior, increase cooperation or foster competition, or does it want the firm members to learn some new skill while accomplishing a task? What is the overarching principle in terms of behavior change and action or inaction that will underlie the gamification strategy as it leads to the firm's larger goal for the project. Then identify the more specific "raison d'être" or the mission for the game itself. For example, 1) the design principle: fostering collaboration among associates while they improve their skills at using the firm's matter management software and 2) the goal of the gamification project: associates will more consistency and correctly use the software which will decrease error and increase efficiency of law firm workflow and productivity. Again, check back to make sure that both the design principle and the mission for the project are in line with the law firm's larger business goals. Is this mission for the game something that can be clearly stated, tracked and monitored and recorded so that results can be analyzed by the firm? Without the ability to clearly state this goal and to have a way to track its success, the gamification method has less of chance of getting full buy-in from the law firm's partners and associates.

Case Study: Houthoff Buruma: Law Associate Recruiting

In 2010, one of the largest law firms in the Netherlands, Houthoff Buruma, created a "serious game" to attract law students from the top law schools.⁵⁸ While traditional recruitment methods might uncover the smartest students with the highest grades, these methods are not the best at identifying creativity, problem solving skills, innovative thinking, resourcefulness, or social skills that a law firm might also want to foster within its walls. Houthoff Buruma worked with game design company, Ranj Serious Games, to create a game for recruitment purposes that was focused on corporate acquisition.⁵⁹ Players are given the experience through gameplay of working within a legal practice. During a visit to the law firm, the law student players are given a challenging case legal to study within one and half hours. This case is built inside a multimedia setting that includes a laptop with document files, a paper file, and a desktop with a central computer hub for the project. During the timed game the students are bombarded with video chats, emails, social media, and news broadcasts. They have to respond to these and decide how to handle each character in the storyline. There are different paths that the game can take and time it is played will have a different outcome and way of getting to a solution.

The students are first placed into teams which are pitted against each other, spurring competition and teamwork. Each of the teams works for a Chinese state-owned company called, Chinese Mining and Marine, and assist in taking over a small company called, 't Hoen, a Dutch offshore company. The legal issue is that this small business owns IP rights to innovative technology that is critical for the Chinese company's business success. Through the media in the game, including video interviews with the characters in the storyline, the teams find out more information about the case and the motives behind the parties involved. They are given timed tasks. The teams then use this information to create an acquisition strategy. One of the challenges that arises for the law student teams comes as more facts are revealed that must be solved in a limited amount of time. Analysis of these facts also requires that the students have some political insight into the surrounding circumstances of the acquisition aside from just the facts that are presented in the game. After the case is handled by each team in their own way, a plenary sessions is held where each team's solution is compared and discussed before a

⁵⁸ See Houthoff Buruma website at <https://werkenbijhouthoff.com/index.php?id=38/>

⁵⁹ See Ranj Serious Games page on Houthoff Buruma's game at <http://www.ranj.com/content/werk/houthoff-buruma-the-game#.VPfIGfnF-CM>

winner is announced. The results of the game and the discussion afterwards where the students defend their solution to the matter, help the law firm understand how each student operates under stress and their individual skills at solving problems and defending their position in front of others. The law firm

3. Ideas for Games

Brainstorming is the next step in the process but it doesn't happen until there is agreement on the general theme and game aesthetic keeping in mind the players and their nature. This process still involves broad thinking and the team needs to come to it with an open mind laying out all of the possible ideas no matter how crazy they sound on first mention. This is the no judging component to the process which may feel uncomfortable to lawyer unfamiliar with creative and design thinking. Details are not on the table at this point. Rest assured these ideas will be narrowed down in the next steps in the process as specific game mechanics and measurable goals are connected.

When brainstorming, the team may want to think back to game, both video and board based games that they are familiar with. Is there a metaphor that would work for the situation and with the players? Is there a clear storyline that could be created that would engage and encourage players to move through it? Thinking of existing games and imagining how they might be modified to meet the firms design principles and goals is a good starting point. What storyline or challenge would most engage the players based on their player type? What aesthetic would go best with that storyline? Would it be a fantasy world, a "legal" world environment, a game based in reality, real-time play, or a hybrid aesthetic?

4. Developing the game and how game mechanics will be used

Games need to be clearly defined so that the players know what the objectives are and when those objectives will end or reset. Depending on the goals of the firm, the game can last for a day, a week, a year or continue on indefinitely. The point is to design a game that focuses on engagement not only to initially get the player involved, but to maintain his or her interest throughout the course of the game. There are different ways to increase engagement by selecting different game mechanics and designing how they are laid out.

In the case where the game could go on indefinitely, this might serve as a recurring form of motivation for firm members to play. Here the objectives of the game would still track specific measurable goals with "ends" leading to another goals. These goals might be reinforced with new levels and challenges or with new rewards that could be obtained by the player. This tactic allows the game to "reset" so that if the game is score-based, such as a leaderboard, the players end up or stay at the lower end of the scale do not become discouraged. This also encourages others who have not played the game before to enter in at any level and to have the same chance to achieve among the others who have been playing for a while.

Another method of increasing engagement through game design would be in focusing on creating a storyline and the arch of that story through game mechanics. To example how this concept works, generally speaking, with most good movies or books of fiction, there is an accumulation of tensions, events, or conflicts that grab the attention of the audience from the beginning. These build through the storyline until the final culmination of events that brings that dramatic conflict or issue to a tipping point. Immediately following is a resolution of that conflict which brings a feeling of calm to the audience. This rollercoaster ride of emotion is the reason why the audience, hopefully, finds the movie or book worthwhile. They become engaged in the work early on through the hook of the interesting plot in the storyline and then there are touch-points of emotional highs that progress throughout and carry the audience through until the final resolution and resulting emotional release or reward for the audience. How could this be used to design a game for a law firm?

Think of the process or the technology platform that the firm might want to gamify as having a storyline. First, the team should look at the frequency with which the player is interacting with the process or platform that the firm may want to gamify. In order for this model to work, the player needs to have some relative frequency of interacting with that platform so that they will stay tuned into the game. Game mechanics are added to build the roller coaster of a storyline that will lay out the objective of the game, the actions to take and what the results of those actions will be.

Game Design Elements Described as Layers

Game designer and researcher Sebastian Deterding and others in the field have laid out five different layers of game design.⁶⁰ This is another way to looking at a gamification project and may help a design team break out the different components that need to each be addressed separately.

1. The interface of the game: This might be a leaderboard, badges in a profile, or the levels of the game. These will be more easily recognizable to the player as a typical implementation of a design component. For example, most people recognize leaderboards and understand how they represent players by points earned.
2. The game mechanics or patterns of play: This would be the number of turns, limiting resources, or a time constraint placed on an activity that involves some aspect of the gameplay. For example, the players will know that they have x number of turns per day or x number of points that may be earned per the listed activity.

⁶⁰ Deterding, S. Dixon, D. Khaled, R., Nacke, L. From Game Design Elements to Gamefulness: Defining Gamification, September 28-30, 2011, Tampere, Finland, MindTrek'11, Section 4.3, at <https://www.cs.auckland.ac.nz/courses/compsci747s2c/lectures/paul/definition-deterding.pdf>; for greater detail about these layers, see Gamification as a Service: Conceptualization of a Generic Enterprise Gamification Platform, Philipp Herzip, Dissertation, Faculty of Computer Science, Institute of Systems Architecture, Chair of Computer Networks, July 2, 2014 at <http://www.gbv.de/dms/tib-ub-hannover/794152325.pdf>

3. Design principles of the game: These are the goals of the game and might look like guidelines provided to analyze a problem and find a solution. This sets up the continuing play and provides for a variety of game styles. For example, this would be would the law firm wants to get out of their members playing the game which might be some form of behavior change.
4. Models: This is the actual concept of the game or game experience which might embody a challenge or spur curiosity. For example, the law firm might create a storyline that walks a new associate through a fictional legal case with a more experienced member of the firm to build collaboration and mentoring skills among firm members. The storyline and the fictional world that is created for it are part of that game model.
5. Design methods: This includes playtesting, playcentric design and other forms of game design practices.

Finding the right game mechanics

Based on the profile of the primary gamer for this project, the team can select from a number of potential game mechanics that might engage the players. These game mechanics will most often be combined into a game to make a cohesive game design. For example, a progression bar might be used to indicate where the player is in the desired behavior but it would be used with achievements and punishment mechanics such as giving a score for positive behaviors and losing points on the score for the undesired behaviors.

Examples of game mechanics include:

- Achievements, such as badges, certificates, rewards, awards, raw scores
- Social mechanics, such as comments, ratings, review, followers
- Disincentives, such as losing points for behavior that the firm wants to discourage
- Progress bars to indicate progression through a process or task
- Programming rewards such as giving a specifically named reward for a desired action when it is taken within a specific amount of time
- Countdowns
- Lotteries
- Productivity, such as adding elements into a work process that would make the players happy to be playing a game because it means they are being productive at the same time
- Modifiers, such as making it so that accomplishing one task will add points to the next task or multiple the score
- Adding significance to the accomplishment of the task so that the player feels the result is important

These game mechanics are paired with motivators that the players might think were fun. This is the hook to engage them in the game. Again, the motivators that would work best for the firm's players are going to differ, but the team should try to identify what the key

motivation would be for the majority of the player type it is working with. More than one of these motivators might be combined in a single game. Examples of motivators include:

- Collecting (this could apply to the collecting of objects or points or the collecting of information or knowledge about something)
- Creating custom worlds or environments
- Exploring new worlds or environments
- Exploring or experiencing beauty or art
- Socially interacting with others (sharing or trading gifts or giving and receiving feedback)
- Feeling accomplished after completing something
- Random discoveries
- Organizing or creating order out of a mess (like working a puzzle)
- Role playing (pretending to be someone else as a character)
- Becoming the king of the hill or the center of attention
- Fantasy exploration
- Being involved in a mystery
- Relaxation or mindfulness
- Learning a new skill
- Competing with others
- Bettering society
- Self-improvement or doing things for one's family
- Taking care or helping others
- Laughing or engaging in the absurd
- Being scared

After determining the game mechanics that would be used and pairing them with the motivators of the primary players, the team should look at any scoring that is involved in the game. This is as important as clarifying the objectives and rules of the game from the beginning because the players need to know that the score is recorded fairly. This also takes into consideration the process of what happens when a reward is given or when the player loses. In most gamification scenarios where the team wants to see continued use of the game, more attention should be paid to the fairness of the scoring process. It is less likely that losing is going to be emphasized without some method of reengaging the player in the game. Instead, a system of scoring that has points which are rewarded at selected intervals and a system of punishments where the scores are lowered for the "failure" of the player rather than "game over" occurring. As discussed in the first section regarding the psychology behind games, it is important that the rewards are not interfering in the intrinsic motivation of the player. The game will be more effective if the player is primarily motivated by one of the items listed above than by the promise of receiving some reward. For example, making the accomplishment of a task rewarded with a substantial monetary reward may actually not make it as desirable as rewarding the accomplishment with a smaller monetary award but a larger intrinsic award such as the player's desire for acknowledgement of his or her work in the firm.

Case Study: Gamification of Knowledge Management: Accenture's A3 Game

Accenture is a technology, outsourcing and management company that began a gamification project to pull together its more than 250,000 employees into a more collaborative culture. The company developed Addo Agnitio Award (A3) to reward communication and collaboration in the company by assigning a point system to tasks that employees could do that encourage collaboration with others in the company.⁶¹ The company was then able to analyze the behavior of users engaging in the gamification method to get insight into the impact that that employee was having on the company based on his or her activities and also to discover what motivations there were in the company for employees to collaborate with each other. The company discovered through this gamification that the key motivator for their employees was not to be on top of the company's leaderboard or having the top score of points in the game. Instead, the primary motivation for playing was so that the company would give recognition to the employee's individual contribution and impact that their activities had on the company as a whole. Not status, but recognition for work well done was the motivator. Accordingly, the company provides recognition through electronic cards with 100 recognition points which carry monetary value of \$100, notes from management with thanks, international company emails with recognition sent out to colleagues, and badges on the player's profiles. The points acquired during gamification also show up on the employees' review process. The company was able to collect data showing that through the use of their gamification techniques they had increased engagement, but more importantly, then also have statistics that the activities they desired to change were happening. They had more than doubled their document repository activity and training completions among other activities deemed critical to the success of the company.

5. Testing

After a rough idea of a game has been created, the team should create prototypes of the game. These can initially be in the form of storyboarding or paper-based board games until the details of the game are fleshed out. Spending time and funds on building a game into a technology platform before running adequate testing and iteration of the design will result in a poor investment by the law firm. Therefore, starting with inexpensive paper-based prototypes and testing them early in the process and often is the best way to ensure that any final design has gone through various potential methods of use by the players and the kinks have been worked out. Volumetric modeling where the designers are actually building out models of the user interface are more costly and should be saved towards the end of the testing process. To provide an example of testing game mechanics in a law firm's technology platform, the design team could create a board that looked like the dashboard of the platform. When the players in the real world took a desired action, they would add that action to the board, thus testing the game by playing it next to the actual platform to be gamified. To test out other concepts related to that platform, the design team could print out different pages, such as a leaderboard or badges or certificates and test the impact and observations of the players to those paper prototypes as a supplement to the actual platform.

61 See slides from Accenture discussing A3 at http://masiecontent.s3.amazonaws.com/content/L14/Session%20Content/601%20-%20Game%20On:%20Social%20Learning%20&%20The%20Science%20of%20Engagement_masie_a3_presentation.pdf; and see Driving KM behaviors and adoption through gamification by Conor Leeson Knowledge Management World April 2013 [Volume 22, Issue 4] <http://www.kmworld.com/Articles/Editorial/Features/Driving-KM-behaviors-and-adoption-through-gamification-88490.aspx>; See generally, Accenture's website at <http://www.accenture.com/us-en/pages/index.aspx>

This is the process where the design team is getting the most feedback from the law firm players and will be able to gauge the buy-in from the players in the current prototype and what might need to be changed based on their interactions with it and the direct feedback. As with the initial interviewing of the players about their daily interactions with the system to be gamified, this is the time to find out from them if they feel that the scoring of the system is fair and whether the rewards and motivations that are involved are working for them. In other words, did they feel engaged and was it fun?

6. Monitoring and Metrics

After the team has designed and implemented the well-tested game mechanics into the process or platform at the law firm, firm members must be carefully on-boarded into the use of the system. If the design of the game, including the testing process was solid, the on-boarding method will be built into the design of the game and as the users develop expertise in using it, the game will progress. However, given the difference in the familiarity of some firm users from others (for example millennials might pick up the game almost naturally while others in the firm may take a few experiences to begin falling into a flow), there may be a learning curve before the firm sees results.

Therefore, it is critical to the success of the gamification to monitor the way that the game is used by the players from the beginning. This may change over time as the players in the firm become more familiar with the game mechanics. This is why having some method of measuring metrics is important to have built into the design. These metrics would look at the actions, motivations and level of engagement of the players. For example, to measure engagement of the game over time, the law firm would look at the average number of actions taken that involve the desired behavior, the number of players taking those actions and how often they return to do the same action and the level of satisfaction that the players provide as feedback on their enjoyment of the gamified platform. The law firm will want to record metrics such as if the productivity of the players increase, or if costs were reduced in the process of streamlining the workflow through the gamification process, and whether revenues increased due to the increase in the desired actions around the billing system.

In monitoring the use of the gamification method and the metrics that are recorded, it might appear that something in the game design did not work as fully expected. There are reasons that the design may not have met ROI expectations. These might include the fact that the gamification goals that were chosen were not in line with the law firm's business goals after all. The game might not work with the law firm's culture or maybe it only worked with a segment of the firm's culture and it was not possible to adequately engage other segments of the firm. Messages between the firm's players and the parties implementing the game may not have been clear so that the players were not clear about the expectations of the game or of their use of it and what any rewards or benefits might be for the individual versus the firm.

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Lack of long term engagement might also be an issue as the players might start out really going strong with the method of gamification at the beginning of the implementation, but if the challenges or motivations in the game mechanics did not increase over time, this might decrease long-term engagement. While adequate testing might help to determine short term engagement success, longer term engagement is more a factor of monitoring and adjusting the game as needed based on feedback along the way.

Conclusion

Gamification in law firms is still in the early stages of experimentation. The benefits to law firm productivity through gamification of internal processes has been proven by law firms that have incorporated it into their existing internal technology platforms. However, some firms that the author spoke with were hesitant to speak publicly about their need to use gamification in the firm. They were concerned that it might become public that their firm wanted to use these methods to engage its employees and that this would indicate some weakness in the makeup of the law firm or tarnish its reputation with clients of being a “traditional” law firm.

This reasoning fails to recognize all of the case studies shown in this book of major American and International companies proudly showcasing their use of gamification with employees as well as client-facing methods and the success those companies have had. Having written a book on virtual law practice and unbundling years before most law firms accepted the use of cloud computing in law practice, the author feels confident that with gamification, it is only a matter of years before law firms admit that it will be necessary as a method of engaging their associates and members and even engagement with their clients. In general, law firms are not willing to invest in innovation that might include gamification. Sadly, merely spending a small portion of the law firm budget needed to maintain their existing technology infrastructures is often considered “innovation.” A law firm may hire a CTO, CIO, or chief knowledge management officer, but these individuals are often not provided with adequate budgets or the authority to make the necessary changes in law firm infrastructure to set up the systems they need to collect the data that could then be analyzed and used to make informed changes in technology and processes for the benefit of the firm. Partners in the law firm must first be sold on the changes and the budget expenditure and most partners may not have adequate information about gamification to understand how it would benefit their firm in the long-run. This means that the use of gamification to increase productivity and efficiency is something only the most forward-thinking firms will easily adopt. As mentioned in case studies above, there are a handful of law firms outlined, including Reed Smith, Cadwalader, and Cooley, that are willing to experiment with gamification of internal systems.

Considering the changing landscape of the legal workforce within the law firm environment, the use of gamification to facilitate communication and collaboration among law firm members could be a useful tool. As younger generations of lawyers enter firms with different life goals and perspectives, using gamification as a way to onboard, train, and mentor these associates could be beneficial to the law firm. Younger employees who grew up in a digital environment and are used to game mechanics embedded in almost all aspects of their personal and professional lives, will be attracted to working with a law firm that communicates on the same level. Aside from using gamification to appeal to new associates and younger law firm members,

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the benefits of increased productivity and the collection of data for use by knowledge management professionals in the firm should make gamification worth considering by law firms.

Sample Law Firm Design Workshop for Gamification by Umbreen Bhatti

9-10:30 AM: Introduction to design thinking.

Activity focused on redesigning how we communicate our expertise as lawyers. [Am also thinking about some other ideas that would be especially relevant for lawyers: for example, “redesigning how we advance the public’s understanding of our legal system;” “redesigning how people enter the legal profession.”]

10:30-11 AM: Debrief and go outside of law

(15 min) Debrief introductory activity.

(15 min) What is human-centered design, and how can it be helpful in business? In what other industries has this approach worked?

11 AM-11:45 AM: Digging into our problems.

(30 min) Empathy lecture, with a focus on interviewing in this context (i.e., it’s not like interviewing like a lawyer). Exercise to practice empathy interviewing. Model interviewing in this context (how to let go of being a lawyer).

(15 min) Brainstorm potential users for the challenge(s) provided by Fenwick in advance. Who might we talk to? What kinds of interactions/activities might we observe or immerse ourselves in?

11:45-12:30 PM: Lunch

12:30-1:30 PM: User research

Interview users arranged for with/by Fenwick in advance. (THIS WILL BE TRICKY, BUT IF WE CAN MAKE THIS HAPPEN, IT’S THE BEST WAY TO DO IT.)

1:30-2:15 PM: Define and ideate.

(DEPENDING ON THEIR PRIORITIES, WE CAN TWEAK - FOR EXAMPLE, IF THEY WANT THEIR PEOPLE TO LEARN THE PROCESS, WE CAN DO IT TOGETHER. IF THEY JUST WANT PROBLEMS SOLVED, WE CAN GIVE THEM A BREAK AND DO THE SYNTHESIS BY OURSELVES, AND THEN BRING THEM ALL BACK TO IDEATE.)

2:15-2:30 PM: Prototype

Roughly sketch out what your ideas might involve.

2:30-3:30 PM: How might gamification help?

(STEPH) Gamification lecture - where it’s been useful, what it can be used for.

(WOULD LOVE TO SIT THROUGH THIS LECTURE MYSELF BEFORE WE DO IT FOR THEM)

3:30-3:45 PM: Back to your prototypes

Tweak prototypes to include at least one gamification principle.

3:45-4 PM: Share out

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Present prototypes to everyone - bring in other members of the firm to see what we've been working on all day?

4-4:15 PM: Testing

How to test on real people; develop a plan.

4:15-4:30: Wrap up

d.thinking wrapup, gamification wrapup.

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There are many games that can be added to a firm's workplace without having to build something completely new. These companies license and customize their gamification software or will provide it on a subscription basis depending on the number of users. Because many of these are free-standing games, they are focused on more general behavioral changes desired by the company that might relate to the employee's health and wellness, sales or productivity or their ability to collaborate with other firm members. These services may not focus on specific business tasks that might involve the existing technology platform of the company because of the difficulty in mapping their existing gamification solutions to proprietary law firm software solutions. However, if a law firm was unable to conduct a full gamification workshop at the firm with designers, these companies may offer less expensive solutions as a way for the firm to get some initial experience with the concept of gamification.

First, see this sortable buyer's guide from Gamification Corporation: <http://www.gamification.co/vendors/> . Also, check out any vendors and services with the Engagement Alliance, which provides certification training in gamification and covers ethics training in the use of gamification at <http://engagementalliance.org/> .

Bunchball: <http://www.bunchball.com/>

Badgeville: <http://badgeville.com/>

Knack: <https://www.knack.it/business/index.html> From the iTunes description: "With big data at its core, Knack leverages behavioral and cognitive neuroscience, computer science and design techniques to build games that produce the thousands of data points that help us understand what makes you shine."

Welltok, Inc., formerly Mindbloom: <http://www.mindbloom.com/> "Welltok, Inc. is fundamentally transforming the way population health managers partner with consumers to optimize their health and get rewarded. Its groundbreaking CaféWell Health Optimization Platform™ organizes the growing spectrum of health and condition management programs, communities, apps and

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tracking devices. The platform, accessible via web and mobile, drives engagement by providing personalized guidance and leveraging social, gaming and cognitive technologies. Welltok's novel approach increases revenue, improves operational efficiency and drives healthcare value.

DueProps: <https://dueprops.com/> a peer appreciation game

SpigitEngage: <http://www.mindjet.com/spigitengage/> (Spigit was acquired by Mindjet)